

1<sup>st</sup> 10/7/13  
2<sup>nd</sup>: 10/21/13  
eff. 11/11/13

Township of Lower, County of Cape May, State of New Jersey  
Ordinance #2013-23  
AN ORDINANCE AMENDING CHAPTER 400 OF THE LAND DEVELOPMENT  
ORDINANCE OF THE TOWNSHIP OF LOWER

WHEREAS, Section 400-8 of the Land Development Ordinances of the Township of Lower governs definitions for the terms used in Chapter 400; and

WHEREAS, due to certain changes in the State and Federal regulations concerning Flood Elevations standard and development regulations a need exists to protect certain structures that might need to be raised to conform with such new regulation and the effect it might have with regard to other regulations presently in existence.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Lower Council, County of Cape May and the State of New Jersey as follows:

**Section 1:** Chapter §400 Section 8 of the Township of Lower Municipal Ordinance is hereby enacted as follows:

**400-8 Definitions.** HEIGHT – The vertical distance measured to the highest point from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a street or to the street line, whichever is closer to the foundation. On a corner lot, the height shall be measured on the street having the greatest slope. In all cases where this chapter provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within said footage. Exception; single-family and duplex buildings in the R-1, R-2, R-3, R-4, RB and MD-1 Zoning Districts shall be limited to a specified height only. Exemptions; necessary conformities under New Jersey State Public Law; P.L. 2013c.107.

**Section 2.** All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall take effect twenty (20) days after final passage and Publication as provided by law.

*Thomas Conrad*  
Thomas Conrad, Councilmember

*James P. Neville*  
James Neville, Councilmember

*Jacqueline U. Henderson*  
Jacqueline Henderson, Councilmember

*Norris Clark*  
Norris Clark, Deputy Mayor

*Michael E. Beck*  
Michael E. Beck, Mayor

Adopted: *Oct 21, 2013*  
Attest: *Julie A. Picard*  
Julie A. Picard, Township Clerk